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ABSTRACT

Prepared as a guide for developing new policies and revising existing ones, this report recognizes the need for assisting superintendents and school boards in small school districts in the improvement of board policies. Effective policies and regulations are precise and clear, consistent in style and format, readable, and regularly updated. Board policies fill several needs; they function as a guide for board decision-making, as policy for discretionary action, as a statement of position and a focus for change, and as explanation of policy implementation. The guide outlines steps in the process of building board policies from the development of the database to the prioritization of categories to be considered. Because small districts usually cannot afford consultants to develop their written policy, a detailed outline is provided that breaks down the various functions required in the development of a policy manual. One of the most important functions in policy establishment is making sure that legal requirements are reflected in board policies. Lists of resources, references, and policy categories are included. (MD)

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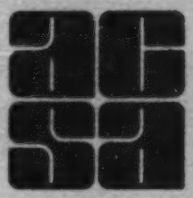

How To Develop Board Policies For Small School Districts

Purpose
Process
Requirements
Categories
References

EA 016 319

ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS, 1979

PREFACE

This report was written as one of the projects sponsored by the ACSA Small School District Superintendents' Committee during the 1978/79 school year.

For two years, committee members have recognized the need for assisting the superintendent and school board in a small school district to improve board policies. It is hoped that this publication will be a practical guide.

Special recognition is given to Gary Brophy, William McGowan, Van Sweet and Jack Wallen for their support of the committee and to Adah Berens from the Mendocino Unified School District and Carolyn Bates for the Monterey County Office of Education for their help in preparing the report.

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1. INTRODUCTION

1.1 Purpose

The purpose of this report is to guide school board members and administrators of smaller school districts in developing new policies and revising existing ones. The challenges and opportunities in developing small-district policies are somewhat different than in large districts. We hope this report will provide some helpful hints to make it an easier and more useful process.

1.2 Need

Today's society is sophisticated and complex. Today's citizen's are demanding more and better management of school systems and a bigger role in decision-making. The small school district's administrator must comply with most of the same administrative chores as larger ones, with less time and money available to do them. Policies and rules are needed to deal with these tasks efficiently and to meet the challenges of increased public involvement, tighter budgets and mandated programs.

1.3 Effectiveness

Effective policies and regulations are:

1.3.1 Precise and clear. They express as succinctly as possible the board's decisions about what should be done (policies) and the superintendent's directions as to how, by whom, when and where it will be done (regulations).

Writing a comprehensive set of policies often means declaring in writing a previously unstated policy, or forcing a specific regulation in a difficult area. It is tempting to avoid making clear decisions by writing policies ambiguously or cloaking decisions in "bafflegab" or circumlocations which disguise the real intent of the policy. This should be avoided at all costs.

1.3.2 Consistent in style and format. One person should be responsible for writing all policies, during the major revision-development process, and the format and style should be followed closely in subsequent policy writing.

Existing policies should be rewritten to conform to the new style and format. "Handout" or recommended policies from other sources (other districts, county counsel, state offices) should be rewritten, as well. These often include as "policy" material much of which is really regulational, and often written imprecisely or wordily. They can usually be boiled down and clarified considerably.

1.3.3 Readable. The language should be formal enough for precision, but not stilted or legalistic. Policies and regulations must be easily read and understood by school employees, board members, parents, students and others with little or no training in deciphering complex language. The use of educational or legalistic jargon should be scrupulously avoided.

Lengthy quotations from the law have no place in policies or in regulations unless they are specifically required by law. Bulky sets of policies full of Education Code quotes will discourage their use and defeat the purpose of writing them in the first place. The gist of the law can be extracted and written in a style consistent with other policies, and the person responsible for knowing and enforcing the law should be clearly named and that responsibility clearly assigned. This, together with accurate legal references, is far preferable to legal quotations in abundance.

1.4 Ongoing Process

Policies must be maintained and regularly updated. Policy manuals in school sites, in the district office, and in the possession of board members must be accurate and up-to-date. Someone looking up a policy or a regulation must be able to find it readily and know that it is current.

This means that a regular procedure for calling in and updating manuals should be established, and every effort made to ensure that holders of policy manuals are maintaining them between updatings. Subscribing to regular policy up-dating services will help with this, as will working out an efficient procedure and format for sending out revisions from the district office.

1.5 Definitions

Well-written policies fill several functions:

1.5.1 A POLICY IS A GUIDE FOR BOARD DECISION-MAKING. The board need not make and re-make basic decisions each time a new situation arises. A well-written policy will state the central concepts the board has established, and/or give clear guidelines for making individual decisions. The board has simply to refer to these for guidance in making specific decisions. Sometimes a specific new situation will indicate a need for revision of the basic policy, and sometimes it will not be necessary to make a new decision but simply re-affirm the existing policy.

Well-written policies and a board accustomed to using them will free great amounts of time for other, more creative use.

1.5.2 A POLICY IS A GUIDE FOR DISCRETIONARY ACTION.

A well-written policy is narrow enough to give clear guidance to the superintendent as he/she makes decisions, but broad enough to allow him/her to use discretion in individual cases.

Adopting policy is the board's job. Implementing policy is the superintendent's. Policies are a way -- perhaps the only way -- for the governing board to give the superintendent the sense of direction he/she needs without neutralizing the professional skills for which he/she is paid.

1.5.3 A POLICY IS A STATEMENT OF POSITION AND A FOCUS FOR CHANGE.

A completed set of policies paints a portrait of the school district. It can be consulted by those needing specific information about the schools, directions for taking action, making complaints, and so on. Policies give a focus for change and help pinpoint sources of confusion and identify inadequate or objectionable areas. In addition they specify the proper procedures to follow in challenging or objecting to board decisions.

1.5.4 A REGULATION (RULE) SPELLS OUT HOW THE POLICY IS TO BE IMPLEMENTED.

It tells exactly what is to be done, and usually tells who is to do it and when. Rule-making is the administrator's job. It's one of the major methods he/she uses to carry out the board's intentions as expressed in policies.[9]

Probably one of the most difficult tasks that developing policies presents is determining what should be included in policy and what in regulations or rules. The degree of specificity in the policy itself will differ, often, according to the need in a given area for emphatic, clear board direction. Sometimes the regulation will amplify the policy further, as well as give details about the actual operational procedures which are to implement the policy.

The board must formally adopt policies. It should not adopt regulations, but merely review them to ensure that the regulations accurately reflect the policy decision. Regulations, therefore, are more flexible than policies, and as much detail as possible should be reserved for regulations instead of being included in policy.

2. SUGGESTIONS FOR BUILDING POLICIES: A PROCESS

2.1 It is the superintendent's responsibility, acting as executive secretary, to place data before the board and to assist them in the development of policies. It is his/her responsibility to develop a procedure whereby the material is prepared for board

reaction. The degree to which the superintendent does his/her job well is reflected by the extent to which the philosophy and thinking of the board is articulated in each presented policy.

The superintendent has a different responsibility in presenting regulations to the board. These regulations represent his/her philosophy and leadership in carrying out the policies.

It is the board's responsibility to digest material presented by the superintendent and to do the homework which is necessary to adopt a policy.

2.2 Timetable

We recommend that a timetable be developed which will provide for special meetings to work on policies. The timetable should provide regularly scheduled board meetings for the sole purpose of policy development. It is very difficult to review policies along with accomplishing other ongoing business. It is also suggested that policies be presented to the board in small, workable units. Therefore, it may be necessary to subdivide a category in order to allow enough time for the material to be effectively reviewed.

2.3 Binder

It is suggested that a binder format be adopted to allow policies to be easily inserted and removed. The binder should be organized into categories by general subject area. We recommend the below-listed numerical categories, developed by Davies-Brickell, which is recommended by CSBA and referred to in many of the publications of the State Department of Education.

0000 Philosophy & Goals

1000 Community Relations

2000 Administration

3000 Business & Non-Instructional Operation

4000 Personnel

5000 Students

6000 Instructional Program

7000 Construction - New

8000 Internal Board Policies

9000 Board Bylaws

The list is comprehensive but will differ according to the needs of various districts.

2.4 Suggestions for Preparing Policies

Each district must establish a priority for determining which category to work on first. Such a focus should be determined by individual interest, district needs or concerns. This committee has agreed that the following recommended priority list is based upon the potential for resolution of the greatest number of problems which a district might face.

First Priority: 4000 Personnel

It is suggested that you concentrate on Personnel first because this category covers the greatest area of concern. We are a people business and approximately 80% of our time and budget is devoted to personnel. It should be noted that decisions made through the collective bargaining process will replace specific areas of district policies. We suggest that the collective bargaining agreement categories be contained in the Policy Handbook or cross-referenced with the district policies. Negotiated items under the collective bargaining process should not be developed as board policies in a unilateral manner. (This could be an unfair labor practice). See under "Policy Categories" models for "Operation of the School System," and "Personnel."

Second Priority: 9000 Board Bylaws

Board Bylaws are important in clarifying the board's role and function and to help it operate smoothly. It is our feeling that in small school districts internal board policy action and the board bylaws can be combined. We have included a sample table of contents which combines both categories. (See page 12)

Third Priority: 5000 Students

This section may be important because of the need for effective policies in the areas of student rights, expulsion, grading and graduation, attendance and pupil conduct. It is important to place an early focus on where the action is.

Fourth Priority: 3000 Business & Non-Instructional Operation

This area is especially important in this time of uncertain finances. Well-developed policies in this area are crucial in managing a budget. Many of the problems which you face from day-to-day can be forestalled by effective policies. It is important to deal with this category next because it can help the superintendent to create and maintain proper fiscal management procedures for the district. This category includes procedures by which the district operates on a day-to-day basis, i.e., budget, transportation, maintenance, food service.

Fifth Priority: 2000 Administration

Attention given to this area can assist the superintendent in reviewing and/or revising the organizational structure of the

district as well as providing him with a mechanism for improving channels of communication. The degree to which positions in a district are identified with job descriptions may determine how early this section is to be considered.

Sixth Priority: 0000 Philosophy & Goals

Most districts operate in accord with a set of philosophies - either stated or implied. The philosophy may simply be the general direction given to a district through a collection of decisions made by the board or superintendent or they may have been elaborately and deliberately developed with extensive public involvement. The philosophy will either describe where the district is now or where the community would like it to be in the future. If a philosophy describes where the district used to be, it is certainly time for revision.

The committee believes that it is important that the board carefully and thoughtfully consider its philosophy and goals periodically. Treatment of this section should either come first or quite later in the process, depending upon how important goals or a philosophical statement will be in guiding the direction of the district.

Seventh Priority: 1000 Community Relations

This area may be especially important to those school districts which have active advisory groups. It can be the mechanism for formalizing the operation of these groups and giving them a sense of the importance of their activities.

2.5 The Policy Writing Process

In large districts, the policy writing job is so extensive and complex and the budget sufficiently large that a full-time consultant may be hired or a staff member assigned on a full-time basis to the job for a period of time. Small districts must often accomplish the job in other ways. It is helpful, in deciding how to get the job done, to break down the various functions required in developing a complete policy manual:

2.5.1 Collecting already-written policies. Sometimes these are in a policy manual, a file, or other central place. Often policies have been expressed in other forms; resolutions, individual board decisions, etc. Board minutes and other sources such as school site files can yield what are, substantially, policy decisions.

2.5.2 Researching other (preferably similar) district policy manuals. The CSBA Policy Service may be used effectively here. It is rarely advisable to simply adopt another district's policies, but they may often be adapted. Skimming through several district's policies in a given category can be very useful in pointing out useful kinds of policies to consider.

2.5.3 Research legal requirements. This involves reading relevant state and federal laws, county counsel opinions, attorney general opinions, and material issued by the state educational offices. It is useful to establish, at this point, a complete set of files for each policy category, in which material is stored until that category is completed. (County counsels may have copies of district policies).

2.5.4 Identifying areas for which there are no existing policies. These are often revealed by a review of board minutes, which will indicate what issues are continually being brought to the board for decisions and are therefore in need of policy-level guidelines to avoid repetition of decision-making activities. It is useful to talk with present and past board members and others familiar with the operations of the district, asking them to identify problem areas or issues which have been a source of confusion or controversy.

2.5.5 Pinpointing needs for policies and regulations. Some policy categories, such as "Business and Non-Instructional Operations" will involve and utilize many different staff members. Others, such as "Board Bylaws" require a narrower focus of inquiry. Each policy category should be analyzed to determine which groups or persons are most likely to be interested or involved, and those groups contacted and people interviewed in general terms.

2.5.6 Predicting the nature of policies and regulations to be developed. This is the stage at which the superintendent and his/her administrators and department heads, plus one or more members of the board set the direction and establish some of the probable content of the policy category. Controversial policies, or those which embody substantial and conflicting directions can be identified. Sometimes problems can be resolved at this stage by the policywriter, who, as he/she is in touch with various elements of the district, is able to resolve problems resulting from inadequate communications or insufficient information.

2.5.7 Writing rough drafts, which embody all the researches and decisions previously made. Controversial issues may be expressed as alternative versions of single policy in order to focus the board's attention on the various points of view and express them for clear decision making.

2.5.8 Presenting the rough-draft for revisions, suggestions, further development -- to all identified as involved in that specific policy category.

2.5.9 Writing a final draft incorporating legal references and conforming to chosen index format.

These steps may be assigned to various people: a secretary, for researching and gathering together all existing written material, the superintendent for conducting conferences to determine directions, an analytically-minded staff member to take existing policies and do the legal research, etc. One person should be responsible for assembling all material, notes, policies and doing the actual writing. Writing is a highly-skilled craft, particularly writing which can translate legal material, bureaucratic papers, notes from conferences and interview material into a readable, precise set of policies and regulations.

The whole job may be assigned to a qualified staff person, a qualified consultant familiar with the district, an outside consultant familiar with the policy process, or a combination of these. Care should be taken when assigning a staff member, however, or when the superintendent takes on the policy writing job. The policy development process requires a high degree of trust from all those concerned: board members, community people, staff members, and students. If this trust is absent, it will be impossible for the policy worker to obtain frank and accurate information about problems or to enlist the genuine efforts of others in suggesting solutions in the form of policies. The policy worker must also be guaranteed "amnesty" from the results of any bad feelings his/her researches may stir up. Most districts probably have a few issues which are handled informally or in ways which are inconsistent with official policies. The policy-writing process spotlights each area of a district's operations in turn, and it is only human to occasionally resist this illumination and to blame the person carrying the spotlight. Care must be taken to insulate the policy worker, if on staff, from unfair consequences of the policy process.

These steps describe the policy process in a district which wishes to undertake a fairly extensive and very individualized form of policy development. If a district already has a considerable body of policies, and only needs to bring them into conformance with each other and flesh out regulations somewhat, it can be a relatively brief and formal process.

In districts where rewriting policies is to be used as an occasion for change or analysis of district operations the process may be a lengthy one which involves considerable work.

3. LEGAL REQUIREMENTS

3.1 One of the most important functions of establishing policies is making Education Code provisions easily accessible to the local community. In addition, California law has mandated that certain requirements be shown in board policies. The California Code requires board policies including the below-listed areas:[5,7]

3.1.1 Kindergarten, EC 37040, 48001

3.1.2 District offers adult education, EC 52510

3.1.3 Attendance enforcement agent, EC 48240

3.1.4 High school graduation requirements, EC 51225

3.1.5 In-service training, EC 44583

3.1.6 Teacher/pupil ratio by grade-level standards, EC 41376

3.1.7 Safety/health requirements, EC 49400

3.1.8 School calendar (sanction for violation - loss of State aid/accreditation), EC 41420, 41600, 37618

3.1.9 Teacher salary schedules, EC 46162

3.1.10 Textbooks (State-approved list for all books), EC 60263, 60400, 60500

3.1.11 Affirmative Action, Title V, Sec. 30-36

3.1.12 Student Discipline/Expulsion, EC 48907, 4900

3.1.13 Teacher Evaluation (Stull Act), EC 35171, 44660. Dismissal of Certificated Employees: EC 44932-44960

3.1.14 Environmental Impact Report (EIR): California Environmental Quality Act, Public Resources Code, 21082

3.1.15 Handicapped Children (P.L. 94-142), Title V, 3150

3.1.16 Conflict of Interest, GC 87300

3.1.17 Retirement Age, EC 24900

3.1.18 Board Meetings, EC 35140, 35164. Ralph M. Brown Act: Gov. Code 54950 et seq. See also: EC 35144, 35145, 35146. See also new EC 35145.5

3.1.19 Rules Governing Classified Services, EC 45103

3.1.20 Citizen Placing Matter on Board Agenda, EC 35145.5

IMPORTANT: Get advice from your County Counsel on formulation of policies and to distinguish between mandatory permissive or implied requirements. Also see Califonia code analysis and index.

4. RESOURCES

4.1 The Resource Section contains a short list of helpful publications. For additional models see:

1. "The Index System," Pt. 1, Vol. 1, California Code Analysis and Index (CSBA/ACSA), and

2. In the CSBA, Sacramento Office Library, you will find sample copies of small school district board policies and administrative regulations. Also, you are invited to send a copy of your district's policies to the library for reference.

4.2 References

1. A Discussion Guide to Initiate a Study of Education Philosophy and Goal Setting, Sacramento: CSBA, December 1975.

2. Board Meetings, Sacramento: CSBA, 1979.

3. Board President's Handbook, Sacramento: CSBA, Revised, May 1979.

4. Board-Superintendent Roles and Responsibilities, Sacramento: CSBA, July 1977.

5. California Education Code Analysis and Index. (Vol. I & II), Sacramento: California School Boards Association and Burlingame: Association of California School Administrators, c. 1972, rev. 1974.

6. CSBA Sample Policy Update, Sacramento: CSBA.

7. DeLay, Paul, Monterey County Counsel, Salinas, CA. Interview, April 16, 1979.

8. Grenig, Jay E., ed. California School Law Digest, San Mateo, CA (1974-75). Currently, refer to California Legal Reporter, Burlingame: ACSA.

9. Policies/Regulations/Bylaws for California School Districts, Davies-Brickell System, Special California Edition, Sacramento: CSBA, 1976.

10. Sample Policy Manual, Sacramento: CSBA.

11. "The Resource Center," Chico: Facilitator Regional Centers.

12. Thompson, John Thomas. Policy Making in American Education, Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1976.

13. Wiley, R., School Board Development: Rationale for development of a school board guide to assist rural school boards. A paper prepared for the Rural Education Program, Northwest Regional Laboratory, Portland, OR. 1974.

14. Wirt, Frederick M. "Social Diversity and School Board Responsiveness in Urban Schools," Understanding School Boards, Peter J. Cistone, ed., Lexington: D.C. Heath and Co. 1975, pp. 194-195. Chapter 10 includes a profile of California State mandated policies, pp. 189-216.

15. Boardsmanship: A Guide for The School Board Member, CSBA, Sacramento.

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